

ENVIRONMENTAL PROTECTION COMMISSION [567]

Regulatory Analysis

The Department of Natural Resources hereby gives public notice of the completion and publication of a regulatory analysis, and of a public hearing concerning rules proposed in a Notice of Intended Action published in the Iowa Administrative Bulletin on April 12, 2006 as **ARC 5042B**.

ARC 5042B contained proposed administrative rules that would modify the licensing of septic tank pumpers, requiring higher fees and inspection of vehicles and land application sites. The proposed rules were reviewed by the Administrative Rules Review Committee at its meeting on May 9, 2006. The Committee voted to require the Department of Natural Resources (DNR) to complete analysis of the proposed rules in compliance with Iowa Code section 17A.4A, subsection 2, paragraph "a." In the Notice of Intended Action, the deadline established for accepting comments on the proposed rules was established as May 17, 2006. Six public hearings were held from May 3 through May 16 at six different sites around the state. As a result of the requirement to complete a regulatory analysis, the period for public comment on the proposed rules will be extended to July 27, 2006.

A public hearing on the regulatory analysis and to accept further public comment on the proposed rules will be held at 1:30 p.m. on July 26, 2006, in the conference rooms at 401 SW 7th Street, Suite M, Des Moines, Iowa, 50309. Persons may present their views orally or in writing at the public hearing. Any written comments or information regarding the regulatory analysis or the proposed rules may be directed to Brent Parker by mail or electronic mail at the addresses indicated by 4:00 p.m. on July 27, 2006, or submitted at the public hearing. Persons who wish to convey their views orally other than at the public hearing may contact Brent Parker by telephone or in person at the Department office by 4:00 p.m. on July 27, 2006. Notice is hereby given that the period for accepting public comment on the rules proposed in the Notice of Intended Action published in the Iowa Administrative Bulletin on April 12, 2006, as **ARC 5042B**, will terminate at 4:00 p.m. on July 27, 2006.

Brent Parker, Environmental Engineer Senior, Wastewater Operations Section, may be contacted by telephone at (515) 281-7206, electronic mail at brent.parker@dnr.state.ia.us or US mail at 401 SW 7th St., Suite M, Des Moines, Iowa 50309.

REGULATORY ANALYSIS

This regulatory request addresses only the impact of HF 834 on the county environmental health programs.

Rules addressing the licensing of septic tank pumpers were added to Code of Iowa 455B.172 in about 1990. At that time the responsibility for enforcement of the rules had been mandated to the county boards of health. HF 834 does not change or impact that mandate. Incidentally, a mandate that the county boards of health enforce all private (onsite) wastewater standards, as required in IAC 455B.172, with only local funding has been in effect since about 1968. The only funding for onsite wastewater enforcement is at the local level. The portion of that used for enforcement of the septic pumpers rules has been very minor.

HF 834 does add additional regulatory requirements for inspection of trucks and land used for disposing of the septic. The Department is responsible for these inspections.

HF 834 significantly increases the fee charged to septic tank pumpers based on the number of vehicles they use and the amount of waste that they land apply. This money will be collected by the Department and may, according to HF 834, only be used to contract with county boards of health to carry out the inspections mandated to the Department. Counties are not required to do any inspections. Smaller counties with limited staff will not be expected to sign these contracts. It is anticipated that only a few of the larger counties with staffing flexibility will assume these inspection contracts. This inspection program established in HF 834 makes access to funding available to the counties for the first time.

Funds expected to be available annually for these contracts will average about \$175 per tank pumper to inspect the vehicles and about \$350 to inspect the land application sites. All pumpers will require truck inspection but only about half of them will have land application sites to inspect. The total fees generated from this program are anticipated to be about \$85,000 per year. There are about 220 license pumpers at this time. If each county that accepts a contract assumes 22 inspections we would need 10 large counties and each county would receive about \$8500 to do the inspections. Assuming an average of one inspection a day counting office time that would equal one month's work or 1/12 FTE. This should be very adequate compensation.

Because none of this money may be used for Departmental expenses, not being able to recruit the necessary counties would leave the Department in a difficult situation. The gain is all for the counties and the risk is all with the Department. One state-wide Departmental inspector might be able to handle this duty, but this option is not available under the current law.